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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,442	08/28/2003	Yutaka Murakami	10873.1293US01	6729
52835	7590	01/06/2006	EXAMINER	
HAMRE, SCHUMANN, MUELLER & LARSON, P.C. P.O. BOX 2902-0902 MINNEAPOLIS, MN 55402			WATKO, JULIE ANNE	
			ART UNIT	PAPER NUMBER

2653

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/650,442

Applicant(s)

MURAKAMI ET AL.

Examiner

Julie Anne Watko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 2-13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/04/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. A typographical error appears in the requirement for election of species mailed November 25, 2005. Fig. 5 is drawn to Species B, not to Species A. The Examiner apologizes for any inconvenience caused by this typographical error.
2. Applicant's election without traverse of Species A, claim 1, in the reply filed on December 19, 2005, is acknowledged.
3. In the response filed December 19, 2005, "Applicants note that claim 1 and 8 are generic." The Examiner has considered this argument thoroughly and asserts claim 8 is not generic insofar as it is not readable on elected species A, for example. Moreover, claim 1 is not generic insofar as it is not readable on species F, for example.

### ***Priority***

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
5. Applicant cannot rely upon the foreign priority papers to overcome any rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

### ***Drawings***

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "56" and "126" have both been used to designate the same part (see Fig. 28). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should

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include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "56" has been used to designate two different parts (see Figs. 28-29). Furthermore, reference character "126" has been used to designate two different parts (see Figs. 28-29). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

8. The abstract of the disclosure is objected to because it exceeds a single paragraph. Correction is required. See MPEP § 608.01(b).
9. The disclosure is objected to because of the following informalities:

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On page 17, lines 14-15, the specification recites "first position ... as shown in Figure 3". This is inconsistent with the recitation "second position ... as shown in Figure 3" on page 17, lines 23-24.

Appropriate correction is required.

10. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Allowable Subject Matter***

11. Claim 1 is allowed.

***Conclusion***

12. This application is in condition for allowance except for the following formal matters:

Objections to the drawings are outstanding.

Objections to the specification are outstanding.

Objections to the abstract are outstanding.

Non-elected claims 2-13 are pending.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujitsu (JP 10-261278) shows a magnetic head apparatus (see Fig. 3), comprising: a supporting material 5 comprising a head main body 3 for applying a magnetic field to an information recording medium attached to one (left) end with a second (right) end fixed, and an elastic portion, which is capable of being elastically deformed (see ¶ 0006, “The magnetic head 3 is attached at the tip of the load beam 5, and the load beam 5 is connected with carriage 2, and touches the medium 1 by the fixed spring pressure force according the magnetic head 3 to spring deformation of load beam 5 the very thing.”), between the head main body and the fixed second end; a magnetic head hoisting and lowering member (“lift-rise member 6a”, see ¶ 0007) disposed between the supporting material and the information recording medium and fixed in a manner capable of being brought into contact with (see dot-dash line) and separating from (see solid line) the supporting material; and a magnetic head pressing member (“The stopper 7 has prevented that lift rise member 6a pushes up the load beam 5 too much.”, see ¶ 0007) comprising a pressing (lower) portion facing a surface opposite side to the information recording medium in both sides of the supporting material and fixed in a manner capable of being brought into contact with and separating from the supporting material 5, wherein the head main body 3 is capable of moving between a first position (see solid line) in which the head main body approaches or is brought into contact with the information recording medium so as to record or reproduce information and a second position (see dot-dash line) in which the head main body is far away from the information recording medium as compared with the first position, while the head main body moves from the first position to the second position, the magnetic head hoisting and lowering member approaches and is brought into contact (“When inserting or discharging a medium 1 to optical-magnetic disc equipment, it pushes up to the location which shows the load beam 5

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according to a two-dot chain line, and lift rise member 6a separates the magnetic head 3 from a medium 1, and makes it evacuate.”, see ¶ 0007) with the supporting material; a position in which the pressing portion and the supporting material are contact with each other is closer to the side of the fixing position of the supporting material than the position in which the magnetic head hoisting and lowering member and the supporting material are brought into contact with each other; and in the second position, the pressing portion presses the elastic portion, so that the elastic portion is elastically deformed toward the side of the information recording medium; however, Fujitsu is silent regarding whether the pressing portion of the magnetic head pressing member approaches the supporting material and is brought into contact with the elastic portion, and whether the pressing portion of the magnetic head pressing member approaches the elastic portion and is brought into contact with the elastic portion.

Fujiie et al (US Pat. No. 6741526 B1) show a magnetic head apparatus (see especially Fig. 3), comprising: a supporting material 53 comprising a head main body 62 for applying a magnetic field to an information recording medium attached to one end with a second end fixed, and an elastic portion, which is capable of being elastically deformed, between the head main body and the fixed second end; a magnetic head hoisting and lowering member 91 disposed between the supporting material and the information recording medium 5 and fixed in a manner capable of being brought into contact with and separating from the supporting material; and a magnetic head pressing member 52 comprising a pressing portion facing a surface opposite side to the information recording medium in both sides of the supporting material and fixed in a manner capable of being brought into contact with and separating from the supporting material, wherein the head main body is capable of moving between a first position in which the head

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main body approaches or is brought into contact with the information recording medium so as to record or reproduce information and a second position in which the head main body is far away from the information recording medium as compared with the first position, while the head main body moves from the first position to the second position, the magnetic head hoisting and lowering member 91 approaches and is brought into contact with the supporting material; and a position in which the pressing portion and the elastic portion are in contact with each other is closer to the side of the fixing position of the supporting material than the position in which the magnetic head hoisting and lowering member and the supporting material are brought into contact with each other; and in the second position, the pressing portion presses the elastic portion, so that the elastic portion is elastically deformed toward the side of the information recording medium ("The distal end of the plate 52 controls the rotation of the head support plate 53 when the plate 53 is rotated away from the cartridge holding section 25, thereby preventing the plate 53 from being displaced to excess.", see col. 7, lines 18-22); however, Fujiie et al are silent regarding whether the pressing portion of the magnetic head pressing member approaches the supporting material and is brought into contact with the elastic portion.

Murakami et al (US Pat. No. 6847591) show a magnetic head apparatus, comprising: a supporting material 14 comprising a head main body 13 for applying a magnetic field to an information recording medium attached to one end with a second end fixed, and an elastic portion 32, which is capable of being elastically deformed, between the head main body and the fixed second end; a magnetic head hoisting and lowering member (101 or 317, for example) disposed between the supporting material and the information recording medium and fixed in a manner capable of being brought into contact with and separating from the supporting material;



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and a magnetic head pressing member (including 313, for example; see Fig. 47) comprising a pressing portion facing a surface opposite side to the information recording medium in both sides of the supporting material and fixed in a manner capable of being brought into contact with and separating from the supporting material, wherein the head main body is capable of moving between a first position in which the head main body approaches or is brought into contact with the information recording medium so as to record or reproduce information and a second position in which the head main body is far away from the information recording medium as compared with the first position, while the head main body moves from the first position to the second position, the magnetic head hoisting and lowering member (101 or 317, for example) approaches and is brought into contact with the supporting material; a position in which the pressing portion and the elastic portion are in contact with each other is closer to the side of the fixing position of the supporting material than the position in which the magnetic head hoisting and lowering member and the supporting material are brought into contact with each other; and in the second position, the pressing portion presses the elastic portion, so that the elastic portion is elastically deformed toward the side of the information recording medium; however, Murakami et al are silent regarding the pressing portion of the magnetic head pressing member approaching the supporting material and is brought into contact with the elastic portion (“contacting portion 317a of the lifter 317 presses the fastening member 313 upward until the sliding member 370 formed on the upper surface of the stopper portion 313a contacts the inner surface of the outer case 319, as shown in Fig. 46(b)”, see col. 28, lines 14-18; “there is no change in the position of the fastening member 313 in the z-axis direction”, see col. 28, lines 30-31).

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14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (571) 272-7597. The examiner can normally be reached on Monday-Thursday until 4:45PM, and Friday until 6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Julie Anne Watko  
Primary Examiner  
Art Unit 2653

December 30, 2005  
JAW

A handwritten signature in black ink, appearing to read 'Julie Anne Watko', with a stylized, cursive script.